

TCEQ Complaint Report

COPY

05/21/2008
1:08:43PM

Incident No: 106503
Media Type: Air
Start Date: April 17 08 **Start Time:** 12:00 am
Received Date: 04/17/2008
Method : PHONE

Staff Member: CYSMITH
Status: Closed
Status Date: 05/21/2008
Priority: Within 5 Calendar Days

Regulated Entity: Tailing Ponds No 2 Dam**RN101576411****Address:**

San Patricio County

Physical Location: S SIDE OF HWY 188, 2.5 MILES E OF HWY 136 INTERSECTION**Responsible Party:** Sherwin Alumina Lp**Address:** PO Box 9911, Corpus Christi, TX 78469**E-Mail:** (0)0-**Title:** Environmental Asst**Number Complaining:** 1**Frequency:** Current**Alleged Source:** Tailing Ponds No 2 Dam**Program Group:** Air Quality - High Level**Nature:** Dust**Effect:** Health**Initial Problem:**

On April 17, 2008, at 15:21 hours, a citizen registered a concern via telephone with the Texas Commission on Environmental Quality (TCEQ) Region 14 office in Corpus Christi, Texas. The citizen stated that red dust was blowing onto the citizen's residential property from the Sherwin Alumina, LP drying beds. The citizen also alleged health impacts due to the dust such as skin rash, eye irritation, and breathing problems. At the time of the call, the citizen stated that the activity was ongoing and that the complainant's family had video recorded the dusting activity.

Comments:

On April 17, 2008, a visible emission and olfactory surveillance was conducted upwind and downwind of the residential property. Brief fugitive emissions were observed at 17:03 hours looking easterly towards the Sherwin Alumina, LP Tailing Ponds area. However, the emissions were not observed leaving the Tailing Ponds site.

While at the concerned citizen's residence, dust was not visibly observed coming from the Tailing Ponds area onto the residential property. Some brownish dirt on the front porch and front door were noted, and tape-lift samples were obtained. At 17:20 hours, the family members showed the investigator a home video recording of fugitive emission activity over the Tailing Ponds area with a date and time stamp of April 17, 2008 at 16:24 hours (daylight savings time?). Although the video does document fugitive emissions activity, it does not document any particulate matter leaving the Sherwin Alumina Tailing Ponds property.

Later, the backside of the residence was observed and an accumulation of particulate matter was documented on the patio table and on the swimming pool steps and pool bottom. An additional tape-lift sample was obtained, and photographs were taken.

Action Taken / Closure Comments:

On April 17, 2008, an onsite complaint investigation was initiated on the same day the call was received. The purpose of this investigation was to respond to the citizen's concern. Tape-lift sample results are pending.

Investigation #: 653642

828832

TCEQ Complaint Report05/21/2008
1:09:04PM

Incident No: 106558
Media Type: Air
Start Date: 4/17/2008 **Start Time:** 12:00:00AM
Received Date: 04/17/2008
Method : PHONE

Staff Member: CYSMITH
Status: Closed
Status Date: 05/21/2008
Priority: Within 5 Calendar Days

Regulated Entity: Tailing Ponds No 2 Dam
RN101576411

Address:

San Patricio County
Physical Location: S SIDE OF HWY 188, 2.5 MILES E OF HWY 136 INTERSECTION

Responsible Party: Sherwin Alumina Lp
Address: PO Box 9911, Corpus Christi, TX 78469
E-Mail: (0)0-

Title: Environmental Assistant

Number Complaining: 1
Frequency: Current
Alleged Source: Tailing Ponds No 2 Dam

Program Group: Air Quality - High Level

Nature: Dust
Effect: Health

Initial Problem:

On April 17, 2008, at 15:15 hours, a citizen registered a concern via telephone with the Texas Commission on Environmental Quality (TCEQ) Region 14 office in Corpus Christi, Texas. The citizen stated that family members were being impacted by red dust blowing onto the residential property for the past hour and coming from the Sherwin Alumina, LP drying beds. The citizen's child had eye irritation and was crying from the blowing dust getting in the eyes. At the time of the call, the citizen stated that the dusting activity was ongoing. The complainant and the complainant's family could not enjoy their residential property outdoors.

Comments:

On April 17, 2008, prior to the onsite investigation at the concerned citizen's residence, brief fugitive emissions were observed at 16:27 hours while the investigator was looking easterly and while located at CR 1177 (aka CR 96) and CR 4351 (aka CR 95/Leo Miller Road) at the gate to the Sherwin Alumina, LP Tailing Ponds area. The brief fugitive emissions were not observed leaving the Tailing Ponds site.

At ~16:30 hours, a visible emission and olfactory surveillance was conducted upwind and downwind of the concerned citizen's residence. At the time of the investigation, winds were gusting out of the south-southeast. While at the concerned citizen's residence, dust was not visibly observed coming from the Sherwin Alumina, LP drying beds onto the residential property. The complainant did state that the dusting had died down from about one to two hours earlier. It was a gusty day, and the complainant pointed the investigator to some brownish dirt on the front porch, front door, picnic table and water hose in the front yard. Tape-lift samples were obtained.

Action Taken / Closure Comments:

On April 17, 2008, an onsite complaint investigation was initiated on the same day the call was received. The purpose of this investigation was to respond to the citizen's concern. Tape-lift sample results are pending.

Investigation #: 653642

Texas Commission on Environmental Quality
Investigation Report
SHERWIN ALUMINA LP
CN601573371

TAILING PONDS DAM 1 & 2

RN101576411

Investigation # 653642

Incident # 106503 106558

Investigator: CINDY SMITH

Site Classification

Conducted: 04/17/2008 -- 05/02/2008

No Industry Code Assigned

Program(s): AIR QUALITY NON PERMITTED

Investigation Type : Compliance Investigation

Location : S SIDE OF HWY 188, 2.5 MILES
E OF HWY 136 INTERSECTION

Additional ID(s) : TX04139

Address: ; ,

Activity Type : REGION 14 - CORPUS CHRISTI
AIRCOMPL - Air Complaint InvestigationPrincipal(s) :

Role	Name
RESPONDENT	SHERWIN ALUMINA LP

Contact(s) :

Role	Title	Name	Phone
Regulated Entity Contact	ENVIRONMENTAL SUPERINTENDENT	MR TOM B BALLOU JR	Cell (361) 232-7575 Work (361) 777-2352
Regulated Entity Contact	ENVIRONMENTAL ASSISTANT	MR JOE P MEDELLIN	Work (361) 777-2237 Cell (361) 288-5337
Regulated Entity Mail Contact	PORT AND SERVICES MANAGER	MR JERRY HOOPER	Work (361) 777-2622

Other Staff Member(s) :

Role	Name
Supervisor	ROSARIO TORRES
QA Reviewer	MICHAEL RIFF

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
COMPLAINT INVESTIGATION - AIR	106503
COMPLAINT INVESTIGATION - AIR	106558

Investigation Comments :

I. INTRODUCTION/INVESTIGATION SUMMARY

A. INTRODUCTION:

On Thursday, April 17, 2008, at 15:15 hours, the complainant (C1) telephoned the Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region 14 (R14) Office to allege that family members were being impacted by red dust blowing onto the residential property for the past hour and coming from the Sherwin Alumina, LP bauxite waste drying beds (Tailing Ponds area). The citizen alleged that the citizen's child had eye irritation and was crying from the blowing dust getting in the eyes. At the time of the call, C1 stated that the dusting activity was ongoing. The complainant and the complainant's family could not enjoy their residential property outdoors.

At 15:21 hours, another complainant (C2) telephoned the TCEQ R14 Office to allege that C2's residential property was being impacted by red dust blowing from the Sherwin Alumina, LP bauxite waste drying beds. C2 alleged health impacts due to the dust such as skin rash, eye irritation, and breathing problems. At the time of the call, C2 stated that the activity was ongoing. C2 also stated that the family had video recorded the dusting activity.

Meteorological conditions as per the Continuous Air Monitoring Station (CAMS) Taft C687 for Taft, Texas on April 17, 2008 during the time of the above telephone calls and regarding the above allegations consisted of south-southeast winds about 30 mph, and an ambient temperature of 78 degrees Fahrenheit. Maximum wind gusts were at 50 mph, decreasing to 42 mph.

B. DAILY NARRATIVE:

On Thursday, April 17, 2008 at approximately 15:48 hours, Ms. Cindy Smith, the assigned TCEQ R14 Air Section Environmental Investigator (EI), departed the TCEQ R14 Office for the area of concern (refer to Attachment 1 for the site location map). Meteorological conditions as per the Continuous Air Monitoring Station Taft C687 for Taft, Texas on April 17, 2008 during the field investigation consisted of partly cloudy skies with south-southeast winds about 29 miles per hour (mph) down to 20 mph, and an ambient temperature in the mid-70s degrees Fahrenheit. Maximum wind gusts were at 41 mph, decreasing to 29 mph. Attachment 2 contains the meteorological information.

By 16:25 hours, the investigator was in the neighborhood where the two complainants reside. A visible emissions and olfactory surveillance was conducted regarding the Tailing Ponds area, and brief fugitive emissions were observed at 16:27 hours while the investigator was looking easterly while located at CR 1177 (aka CR 96) and CR 4351 (aka CR 95/Leo Miller Road) at the site's gate to the Sherwin Alumina, LP Tailing Ponds area. The brief fugitive emissions were not observed leaving the Tailing Ponds area or crossing Leo Miller Road.

At ~16:30 hours, a visible emission and olfactory surveillance was conducted upwind and downwind of the concerned citizen's residence. At the time of the investigation, winds were gusting out of the south-southeast. While at C1's residence, dust was not visibly observed coming from the Sherwin Alumina, LP drying beds onto the residential property. The complainant did state that the dusting had died down from about one to two hours earlier. It was a gusty day, and the complainant pointed the investigator to some brownish dirt on the front porch, front door, picnic table and water hose in the front yard. Although a dust plume was not observed affecting C1's residential property at the time of the investigation, tape-lift samples were obtained. These samples would be analyzed against a reference sample that would be obtained from the regulated entity's Tailing Ponds area. Prior to leaving the residential property, Ms. Smith informed C1 that the results of the sample analysis could take up to 30 days to procure.

Prior to 17:00 hours, the EI contacted C2 via cell phone. C2 was on an errand and not currently at the house; however C2's spouse and son would be available and could show their video recording of the activity. A visible emission and olfactory surveillance was conducted upwind and downwind of C2's residential property. At the time of the investigation, winds were gusting out of the south-southeast.

While at C2's residence, brief fugitive emissions were observed at 17:03 hours looking easterly towards the Sherwin Alumina, LP Tailing Ponds area. However, the brief fugitive emissions were not observed leaving the Tailing Ponds site. Upon interviewing the complainant's son and spouse, the son stated that the dusting had died down from what it was earlier. The complainant's spouse pointed the investigator to some brownish dirt on the front porch and front door. Tape-lift samples were obtained. At 17:20 hours, the family members showed the investigator a home video recording of fugitive emission activity over the Tailing Ponds area with a date and time stamp of April 17, 2008 at 16:24 hours. The time stamp was not current local time, as the investigator was in the area around that time and did see some fugitive emission activity but not to the same extent that was recorded. In addition, C2 knew about the recording at the time of the complaint call at 15:21 hours. Although the video does document fugitive emissions activity, it does not document any particulate matter leaving the Sherwin Alumina Tailing Ponds property.

At 17:23 hours, C2 contacted the son via cell phone and had him request that the investigator stay 10

more minutes until C2 returned to the house. At 17:30 hours, the EI contacted Ms. Rosario Torres, TCEQ R14 Air Section Work Leader, to inform her of the status of the investigation and that the EI was requested to remain a few more minutes. At 17:40 hours, C2 still had not shown up, but had contacted the son to say it would be a few more minutes and that C2 had some questions for the investigator.

Later, once C2 had arrived, C2 had brought over C1 and C1's children and mother with her to speak with the investigator. C2 and C1's mother were quite upset and frustrated about the Tailing Ponds area dusting situation. C2 made it clear about being dissatisfied with past agency investigations and was determined to schedule a meeting with agency management. The EI stated that although there is fugitive emission activity occurring, no particulate matter was seen coming onto C2's property; however tape-lift samples from the front porch and front glass door were obtained and would be analyzed against a reference sample from the site. Later, C2 directed the EI to the backside of the residence where the investigator observed an accumulation of particulate matter on the patio table and on the swimming pool steps and pool bottom. An additional tape-lift sample was obtained. Photographs were taken of particulate matter on the patio table, the swimming pool steps and pool bottom, a pool bench, and the pool ladder. Attachment 3 contains the photographs. At 18:13 hours, the EI left the area for the regional office.

The next morning, Friday, April 18, 2008, Ms. Smith contacted Mr. Joe Medellin, Sherwin Alumina, LP's Environmental Assistant, and met him shortly after 13:00 hours along with another employee at the site in order to obtain reference samples from the Tailing Ponds area (Beds 1 & 2). While on site, Mr. Medellin handed the EI a letter stating the current dust suppressant procedures that are in place. Upon return to the office, the EI mailed the field and reference samples to the TCEQ Central Office Laboratory.

On Monday, April 21, 2008, Ms. Smith emailed Mr. James Mayer, TCEQ Laboratory Analyst, to notify him that field and reference samples were mailed on Friday.

On, Monday, April 28, 2008, Mr. Mayer emailed the preliminary sample results to Ms. Smith. The reference samples each contained over 80% of bauxite residue, and common clays and minerals accounted for less than 5% of the sample. All of the field samples contained some of the brownish orange bauxite residue as in the reference samples. The sample obtained from C1's front yard water hose contained over 80% bauxite residue. The sample obtained from C2's patio table contained 40-50% bauxite residue. As per Mr. Meyer, the elemental analysis of the bauxite residue in each sample was almost identical to the reference samples. The primary elements found were carbon, oxygen, sodium, aluminum, silicon, chlorine, calcium, titanium, and iron. The regulated entity cannot be excluded as the source of the nuisance dust condition.

On Friday, May 2, 2008, the TCEQ R14 office received the finalized sample analysis report (refer to Attachment 4 for the report). Upon reviewing the results, it was determined that a dust nuisance condition existed at both the residential property of C1 and C2 on April 17, 2008.

C. EXIT INTERVIEW

On Friday, May 16, 2008, the EI attempted to telephone Mr. Medellin and left a voice message that the Exit Interview Protocol (EIP) form would be emailed the same day to Mr. Medellin and Mr. Tom Ballou, Jr, Sherwin Alumina, LP's Environmental Manager. The EIP is included in Attachment 5. Note: Included in Attachment 5 is the above mentioned company letter dated and submitted to the investigator on April 18, 2008. The company representatives were informed that based upon a response to two citizen complaints on April 17, 2008, by on-site observation and analysis of samples collected, it was determined that deposits of particulate matter from Sherwin Alumina's Tailing Pond area were found in sufficient concentration to interfere with normal use and enjoyment of property. Sherwin Alumina LP failed to prevent a discharge from any source whatever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property. It was determined that the violation letter would be issued and addressed to Mr. Jerry Hooper, Sherwin Alumina, LP's Port and Services Manager, with a copy addressed to Mr. Ballou.

II. GENERAL FACILITY AND PROCESS INFORMATION

The Sherwin Alumina Gregory Plant, as well as the associated bauxite waste disposal beds (Tailing Ponds area) are located in San Patricio County, Texas. San Patricio County is classified as an attainment county for all criteria pollutants. The primary pollutants emitted by the regulated entity in regards to the bauxite waste disposal beds consist of particulate matter (PM). The Primary Standard Industrial Classification (SIC) code for the regulated entity is 2819.

The primary function of the regulated entity is to extract alumina oxide, commonly referred to as alumina, from bauxite ore. The process utilized at the Sherwin Alumina Gregory Plant is known as the Bayer Process. Once the alumina has been extracted from the bauxite ore, the waste bauxite is in slurry form and is sent from the plant proper to the bauxite waste disposal beds via pipeline. At present there are four bauxite waste disposal beds, although they are not all currently utilized for bauxite waste disposal. Sherwin Alumina utilizes a dewatering process which stacks the bauxite waste by directing the bauxite slurry through various standpipes located within the bed. The vertical standpipes facilitate the deposition of the bauxite slurry in conical stockpiles which achieves better compaction of the waste material.

III. BACKGROUND

A. CURRENT ENFORCEMENT ACTIONS:

There is current compliance/enforcement action since a deficiency was noted during the Complaint Investigation. A Notice of Violation (NOV) will be issued to the regulated entity. Refer to report section "IV.A. CONCLUSIONS AND RECOMMENDATIONS" for the violation detail.

B. AGREED ORDERS, COURT ORDERS, and OTHER COMPLIANCE AGREEMENTS:

Agreed Orders, Court Orders, and other Compliance Agreements issued to the regulated entity during the previous five years are listed below. Additional details concerning the specifics of each order may be found in the regulated entity's file located in the TCEQ Corpus Christi file room.

Docket No. 2000-0631-AIR-E	Effective March 23, 2001
Docket No. 2002-0115-AIR-E	Effective August 22, 2002
Docket No. 2003-0008-AIR-E	Effective December 21, 2003
Docket No. 2004-1982-AIR-E	Effective August 10, 2007
Docket No. 2005-1446-AIR-E	Effective April 29, 2006

C. COMPLAINTS:

During the previous five years, the regulated entity has been the subject of twenty-seven registered complaints [Incident Nos. 69811, 69816, 70372, 70371, 70374, 70721, 70802, 70816, 70817, 71303, 71310, 71398, 71402, 72635, 73729, 75963, 74983, 75966, 76295, 85193, 85927, 88287, 101838, 101837, 104765, 106558 and 106503], ten of which were typed "Refer or Do Not Respond". During the past five years, nine separate investigations have been conducted, including this current investigation. One of the previous eight investigations (Investigation No. 458107) resulted in Sherwin Alumina, LP being issued a Notice of Violation for failure to prevent a nuisance dust condition.

D. PRIOR ENFORCEMENT ISSUES:

A query of the TCEQ Central Registry Enforcement Database showed that in the past five years the regulated entity has had twenty-one violations (regarding air quality) of which twenty-one have been resolved. Additional details concerning the specifics of each NOV may be found in the regulated entity's file located in the TCEQ Corpus Christi file room.

IV. ADDITIONAL INFORMATION

A. CONCLUSIONS AND RECOMMENDATIONS:

Based upon a response to two citizen complaints on April 17, 2008, by on-site observation and analysis of samples collected, it was determined that deposits of particulate matter from Sherwin Alumina's Tailing Pond area were found in sufficient concentration to interfere with normal use and enjoyment of property. Sherwin Alumina, LP failed to prevent the emissions from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property. The violation citation is 30 TAC § 101.4 and Texas Health & Safety Code § 382.085(a)&(b). An NOV will be issued to the Sherwin Alumina Company.

B. ATTACHMENTS:

1. Site Location Map
2. Meteorological Information
3. Photographs
4. Sample Analysis
5. Exit Interview Protocol Form

NOV Date	Method
05/29/2008	WRITTEN

OUTSTANDING ALLEGED VIOLATIONS**Track No:** 334594**Compliance Due Date:** To Be Determined**30 TAC Chapter 101.4****5C THSC Chapter 382.085(a)****5C THSC Chapter 382.085(b)****Alleged Violation:**

Investigation: 653642

Comment Date: 05/27/2008

Failure to prevent the emissions from any source whatever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property. Specifically, based upon a response to the citizen's complaint on April 17, 2008, by on-site observation and analysis of samples collected, it was determined that deposits of particulate matter from Sherwin Alumina's Tailing Pond area were found in sufficient concentration to interfere with normal use and enjoyment of property.

Recommended Corrective Action: It is recommended that Sherwin Alumina, LP submit a written corrective action plan (short term and long term) to the TCEQ Corpus Christi Region Office within thirty days. Upon region office approval of this plan, or approval with modification, provide documentation indicating completion of this plan within 60 days after the date of plan approval.

Track No: 334596**Compliance Due Date:** To Be Determined**30 TAC Chapter 101.4****5C THSC Chapter 382.085(a)****5C THSC Chapter 382.085(b)****Alleged Violation:**

Investigation: 653642

Comment Date: 05/27/2008

Failure to prevent the emissions from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property. Specifically, based upon a response to the citizen's complaint on April 17, 2008, by on-site observation and analysis of samples collected, it was determined that deposits of particulate matter from Sherwin Alumina's Tailing Pond area were found in sufficient concentration to interfere with normal use and enjoyment of property.

Recommended Corrective Action: It is recommended that Sherwin Alumina, LP submit a written corrective action plan (short term and long term) to the TCEQ Corpus Christi Region Office within thirty days. Upon region office approval of this plan, or approval with modification, provide documentation indicating completion of this plan within 60 days after the date of plan approval.

Signed CB Smith
Environmental Investigator

Date 05/28/08

Signed Rosario M. Jones
Supervisor

Date 5/29/08

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)
☒ Letter to Facility (specify type) : NOV
Investigation Report
☐ Sample Analysis Results
☐ Manifests
☐ NOR

☐ Maps, Plans, Sketches
☐ Photographs
☐ Correspondence from the facility
☒ Other (specify) :
Attachments 1-5

ATTACHMENT 1

Site Location Map

Tailing Ponds area, Regulated Entity Number 101576411
Sherwin Alumina, LP, Customer Number 601573371
San Patricio County

04/17/08
Investigation No. 653642

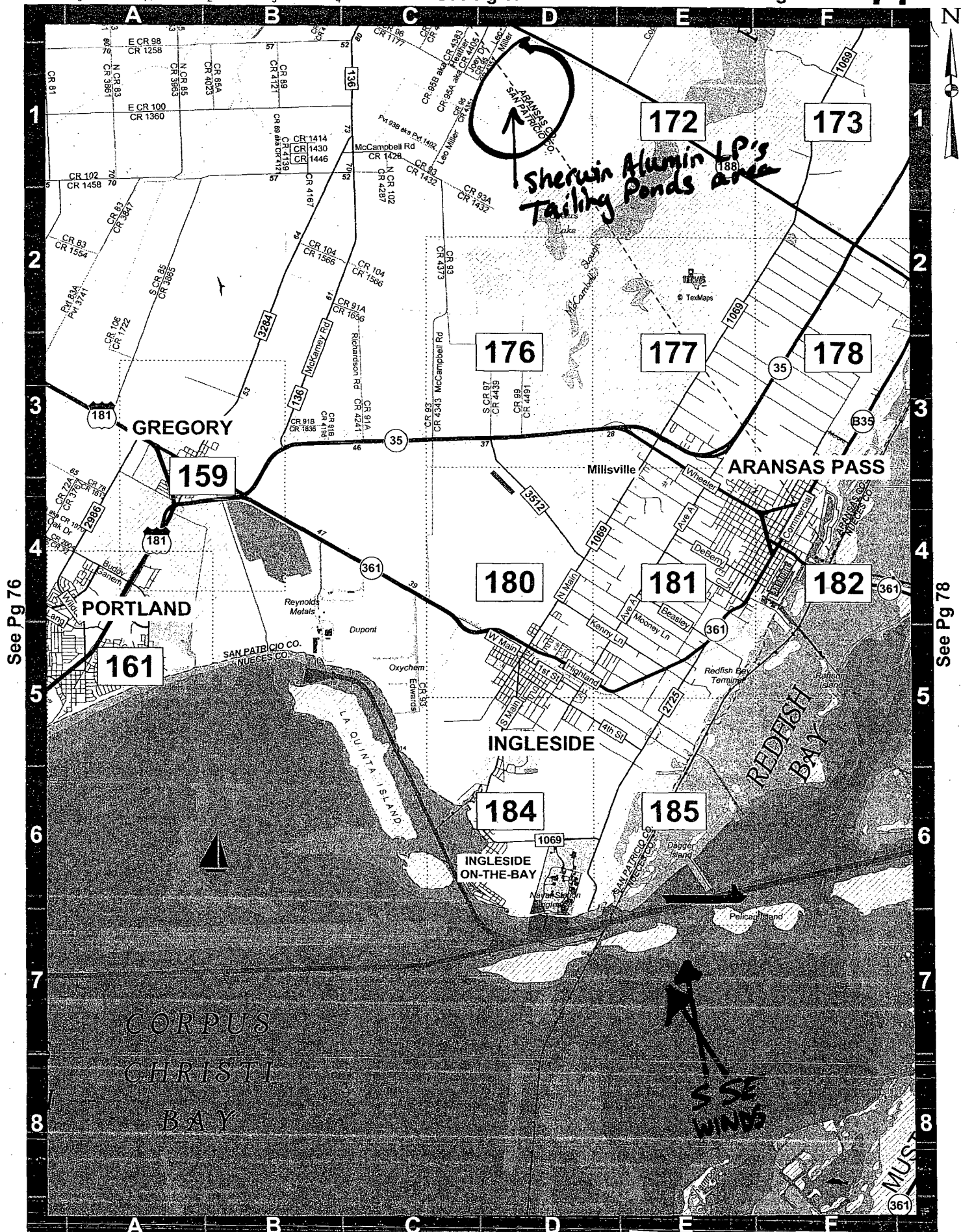
Total Pages = 2

Scale in miles - 1 inch = 1.9 miles or 10,000 feet

See Pg 67

Zoom out Pg 3

77



ATTACHMENT 2

Meteorological Information

Tailing Ponds area, Regulated Entity Number 101576411
Sherwin Alumina, LP, Customer Number 601573371
San Patricio County

04/17/08
Investigation No. 653642

Total Pages = 1

Taft C687 Daily Summary

Use the controls below to select a different date or time format and to control cell highlighting based on measured ozone levels. Click on the Generate Report button once you have made your selections.

CAMS 687 Taft C687 Select a different site

Month: Day: Year: Time Format:

April 17 2008 12 Hour (AM/PM)

Ozone Highlights: ☐ Healthy ☒ Moderate ☒ Unhealthy for Sensitives ☒ Unhealthy ☒ Very Unhealthy ☒ Include Legend

☒ Highlight validated data

☒ Include Non-Public Monitors

☐ Emulate WWW Report

The table below contains hourly averages for all the pollutants and meteorological conditions measured at Taft C687 for **Thursday, April 17, 2008**. All times shown are in CST.

Parameter Measured	Morning												Afternoon												Parameter Measured	POC
	Mid	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	Noon	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00		
Ozone	48	49	47	47	47	46	45	45	46	46	45	46	45	43	41	39	37	36	36	36	36	37	38	38	Ozone	1 ^N
Wind Speed	19.5	22.1	19.4	17.3	15.3	14.7	16.1	18.1	20.7	21.9	24.0	26.2	26.6	29.3	30.4	29.9	29.4	25.0	20.6	16.4	19.0	20.3	18.1	20.6	Wind Speed	1
Resultant Wind Speed	19.4	22.0	19.2	17.1	15.2	14.6	16.0	17.9	20.5	21.6	23.8	25.9	26.3	29.0	30.2	29.7	29.1	24.8	20.5	16.2	18.9	20.1	17.9	20.4	Resultant Wind Speed	1
Resultant Wind Direction	156	155	158	157	155	152	153	152	154	149	149	147	145	138	139	139	139	135	128	127	129	134	138	152	Resultant Wind Direction	1
Maximum Wind Gust	31.5	31.3	33.1	25.7	23.1	21.9	22.8	26.0	33.3	33.3	34.1	36.1	40.1	43.4	50.0	41.8	41.9	39.0	29.5	23.7	27.0	30.2	29.1	29.8	Maximum Wind Gust	1
Std. Dev. Wind Direction	7	7	7	7	7	7	6	7	8	8	8	8	9	8	7	7	7	8	7	8	6	8	7	8	Std. Dev. Wind Direction	1
Outdoor Temperature	70.9	71.0	70.7	70.6	70.2	70.0	70.6	72.9	75.0	76.0	76.5	77.5	78.6	78.5	78.0	77.8	77.1	75.7	74.1	73.5	73.5	73.3	73.2	73.2	Outdoor Temperature	1
Internal Station Temperature	76.1	76.0	76.0	75.9	75.9	75.7	75.7	76.6	78.2	79.4	79.7	79.6	80.0	80.2	79.9	79.4	79.0	78.5	77.9	77.3	77.0	77.0	76.9	77.0	Internal Station Temperature	1 ^a
Relative Humidity	71.0	74.2	73.6	73.0	76.2	80.3	80.5	76.5	69.6	68.5	66.7	63.1	60.8	62.4	65.3	65.0	67.1	72.6	81.1	83.9	84.0	84.8	85.2	85.6	Relative Humidity	1
Parameter Measured	Mid	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	Noon	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	Parameter Measured	POC
Morning												Afternoon														
N.N.N.		Indicates the internal temperature is below the recommended lower limit.																								
		a - This site uses a recommended lower limit of 77 degrees Fahrenheit for this monitor.																								
Maximum values for each parameter are bold within the table. Minimum values are bold italic .																										
N - Data from this instrument does not meet EPA quality assurance criteria and cannot be used for regulatory purposes.																										

Previous Day

April 16, 2008
Daily maxima and minima for CAMS 687.

All times shown are CST.

Parameter	POC	Daily Maximum		Daily Minimum	
		Value	Hour	Value	Hour
Ozone	1 ^N	58	Midnite	45	6:00 pm
Wind Speed	1	27.4	4:00 pm	15.6	6:00 am
Resultant Wind Speed	1	27.2	4:00 pm	15.5	6:00 am
Resultant Wind Direction	1	160	11:00 pm	136	2:00 pm
Maximum Wind Gust	1	63.2	5:00 pm	24.3	6:00 am
Std. Dev. Wind Direction	1	9	10:00 pm	7	9:00 pm
Outdoor Temperature	1	75.8	2:00 pm	66.6	Midnite
Internal Station Temperature	1 ^a	79.2	2:00 pm	74.6	Midnite
Relative Humidity	1	75.5	10:00 pm	56.1	3:00 pm
^N - Data from this instrument does not meet EPA quality assurance criteria and cannot be used for regulatory purposes.					

PLEASE NOTE: This data has not been verified by the TCEQ and may change. This is the most current data, but it is not official until it has been certified by our technical staff. Data is collected from TCEQ ambient monitoring sites and may include data collected by other outside agencies. This data is updated hourly. All times shown are in Local Standard Time.

CMAA: R0101576411, Attachment 2, Pg 1 of 1
INV. 653642

ATTACHMENT 3

Photographs

Tailing Ponds area, Regulated Entity Number 101576411
Sherwin Alumina, LP, Customer Number 601573371
San Patricio County

04/17/08
Investigation No. 653642

Total Pages = 4

COMPLAINT INVESTIGATION PHOTOGRAPHS

Date: April 17, 2008, 16:25 hours to 18:05 hours, scattered clouds

Regulated Entity: Sherwin Alumina, LP's Tailing Ponds area

Site Location: Located S side of Hwy 188, 2.5 miles E of Hwy 136 intersection

The TCEQ digital photographs were taken by: Ms. Cindy Smith, TCEQ Air Section EI



Figure 1. Brief fugitive emissions emanating from the Sherwin Alumina, LP's Tailing Ponds area were photographed by the EI while at CR 1177 (aka CR 96) & CR 4351 (aka CR 95/Leo Miller Road) at the Tailing Ponds area gate (and looking northeast). The photograph was taken on April 17, 2008 at 16:27 hours. Emissions were not seen leaving the site's property. Contrast has been changed in order to see the fugitive emission plume.



Figure 2. Brief fugitive emissions emanating from the Sherwin Alumina, LP's Tailing Ponds area were photographed by the EI while conducting a dust complaint investigation. The photograph was taken on April 17, 2008 at 17:03 hours while standing west of Leo Miller Road looking ENE in the direction of the ponds. Emissions were not seen leaving the site's property. Contrast has been changed to see the fugitive emissions plume.

COMPLAINT INVESTIGATION PHOTOGRAPHS

Date: April 17, 2008, 16:25 hours to 18:05 hours, scattered clouds

Regulated Entity: Sherwin Alumina, LP's Tailing Ponds area

Site Location: Located S side of Hwy 188, 2.5 miles E of Hwy 136 intersection

The TCEQ digital photographs were taken by: Ms. Cindy Smith, TCEQ Air Section EI

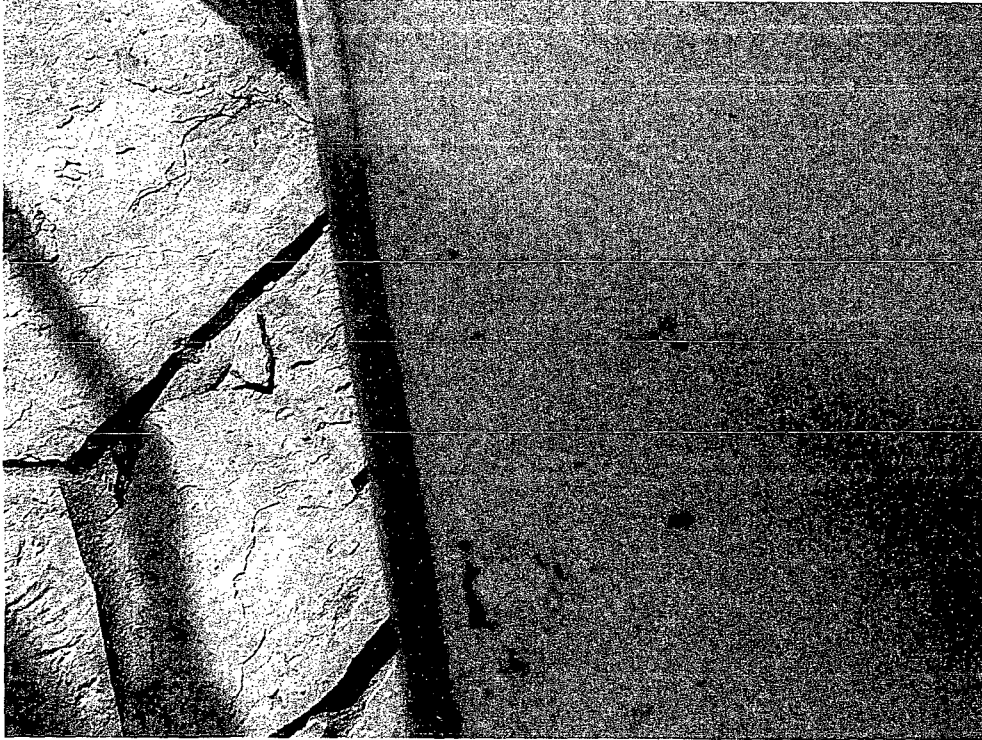


Figure 3. Particulate matter accumulation on C2's outdoor patio table was documented. The photograph was taken at 17:51 hours on April 17, 2008.

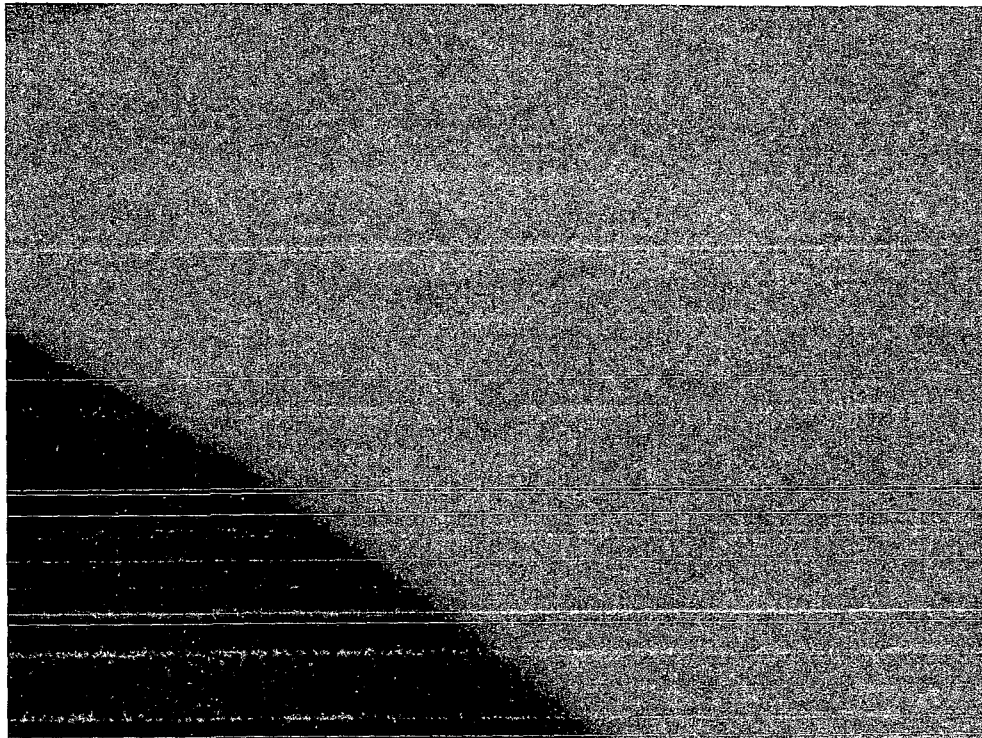


Figure 4. Particulate matter accumulation on C2's outdoor bench. The photograph was taken at 17:55 hours on April 17, 2008. The EI swiped her fingers along the bench.

COMPLAINT INVESTIGATION PHOTOGRAPHS

Date: April 17, 2008, 16:25 hours to 18:05 hours, scattered clouds

Regulated Entity: Sherwin Alumina, LP's Tailing Ponds area

Site Location: Located S side of Hwy 188, 2.5 miles E of Hwy 136 intersection

The TCEQ digital photographs were taken by: Ms. Cindy Smith, TCEQ Air Section EI

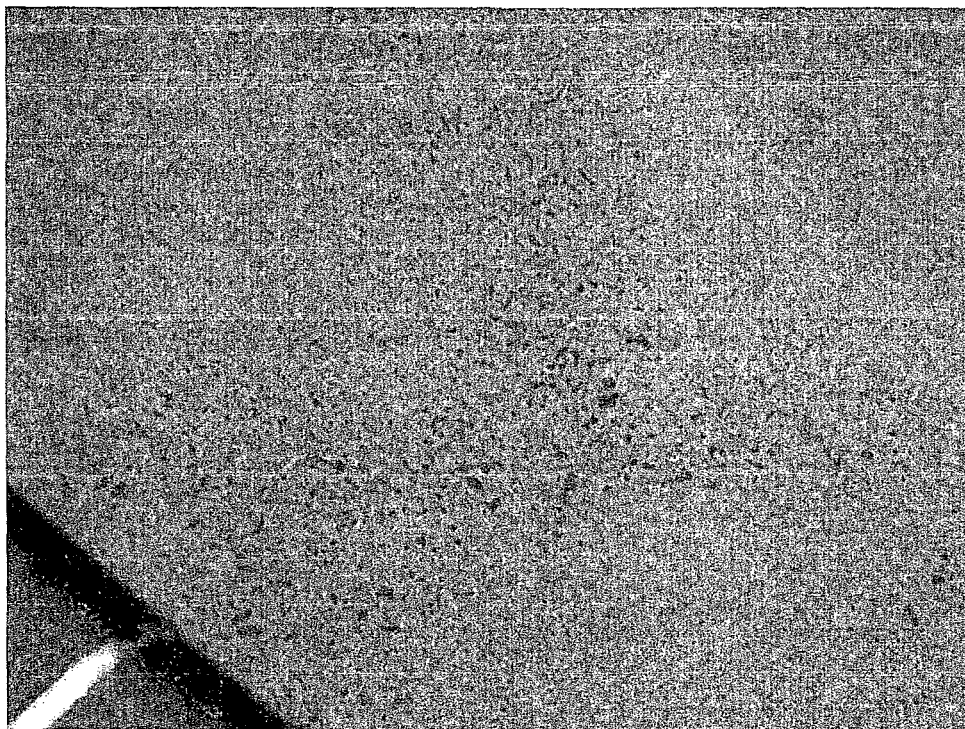


Figure 5. Particulate matter accumulation on C2's swimming pool steps. The photograph was taken at 18:04 hours on April 17, 2008.

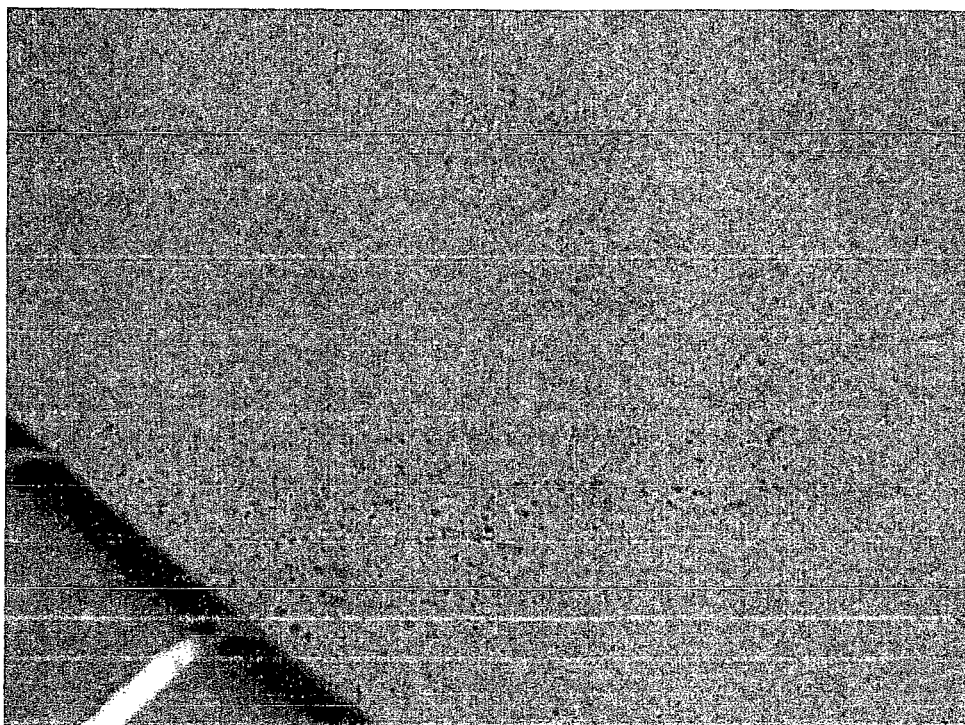


Figure 6. Particulate matter accumulation on C2's swimming pool steps. C2's spouse swiped a hand across the steps to see the fine particles. The photograph was taken at 18:04 hours on April 17, 2008.

COMPLAINT INVESTIGATION PHOTOGRAPHS

Date: April 17, 2008, 16:25 hours to 18:05 hours, scattered clouds

Regulated Entity: Sherwin Alumina, LP's Tailing Ponds area

Site Location: Located S side of Hwy 188, 2.5 miles E of Hwy 136 intersection

The TCEQ digital photographs were taken by: Ms. Cindy Smith, TCEQ Air Section EI

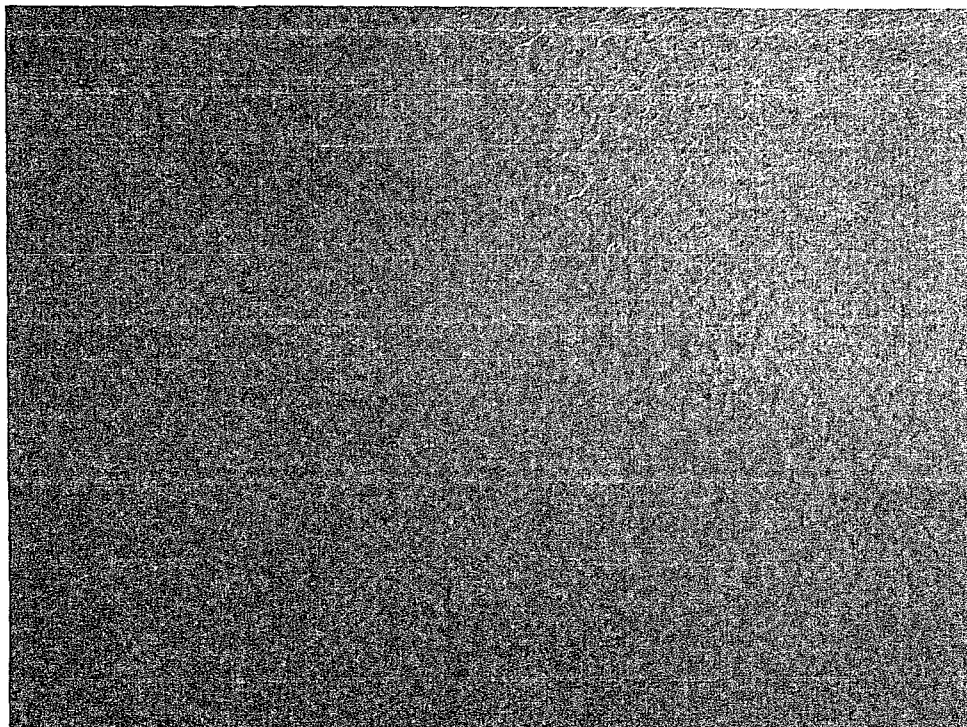


Figure 7. Particulate matter accumulation is documented on the bottom of the swimming pool. The photograph was taken at 18:05 hours on April 17, 2008.



Figure 8. Particulate matter accumulation is documented on the swimming pool ladder. The photograph was taken at 17:56 hours on April 17, 2008.

ATTACHMENT 4

Sample Analysis

Tailing Ponds area, Regulated Entity Number 101576411
Sherwin Alumina, LP, Customer Number 601573371
San Patricio County

04/17/08
Investigation No. 653642

Total Pages = 7

4/28/2008

Texas Commission on Environmental Quality

Laboratory and Mobile Monitoring Section

P.O. Box 13087

Austin, Texas 78711

(512) 239-1869

Laboratory Analysis Results**ACL Number: 080414**

ACL Lead: Ping Liu

Region: T14

Date Received: 4/23/2008

Facility(ies) Sampled	City	County	Facility Type
Sherwin Alumina	Taft	San Patricio	Mining Operations

Laboratory Procedure(s) Performed:

Analysis: AMPM006

Environmental Sample Characterization using Polarized Light Microscopy

Procedure:

A sample area is selected that has the most particle types present. A small portion is removed and placed on a precleaned glass slide, covered with refractive index fluid and a glass cover slip. The slide is examined under a stereomicroscope with top lighting to determine color and general appearance of the sample. The slide is then examined under a polarized light microscope to differentiate, identify, and estimate relative area coverage of the particle types present. The data from the analysis is recorded and organized in a sample folder and used to generate a report that is sent to the requestor.

Analysis: AMPM007

Sample Characterization using a Scanning Electron Microscope (SEM) with an Energy Dispersive Angle X-Ray (EDAX) Microanalysis Spectrometer

Procedure:

A selected portion of a sample is placed on double-sided tape and mounted on an aluminum stub. Specific particles are marked so they can be located in the black and white image field of the SEM. Conductivity between the sample and the stub is assured using colloidal carbon applied from the edge of the tape to the stub. The stub is placed in a sputter coater that ionizes gold-palladium, depositing a thin film of conductive material on both stub and sample.

The prepared sample stub is mounted in the SEM vacuum chamber. The chamber is evacuated to approximately 5×10^{-5} millimeters mercury before an electron beam is generated and focused onto the sample. The interaction of the beam and the sample scatters electrons that are collected on a scintillator. The resulting photons are converted to an electronic signal that is displayed on a cathode ray tube as a secondary electron image of the sample.

A backscatter electron detector collects backscattered electrons and is used to contrast and distinguish components of a sample based on atomic number.

An energy dispersive angle x-ray (EDAX) microanalysis spectrometer is used to measure the energies of x-radiation generated when sample atoms stabilize themselves following ionization by the electron beam. The x-radiation is characteristic of the atom from which it is released and is used to determine the elemental composition of the sample.

Sample images and spectra are saved, printed, and collected with other sample documentation in an Air Control Laboratory (ACL) folder. A report is generated and mailed to the requestor. The ACL folder is filed in a secure area.

Sample(s) Received

Texas Commission on Environmental Quality

Laboratory and Mobile Monitoring Section

P.O. Box 13087

Austin, Texas 78711

(512) 239-1869

Laboratory Analysis Results**ACL Number: 080414****Sample(s) Received**

Field ID Number: A Laboratory Sample Number: 080414-0001 Sampled by: Cindy Smith
 Sampling Site: Complainant's property Date & Time Sampled: 04/17/08 16:50:00 Valid Sample: Yes
 Comments:
 Tapelift from outside water hose

Field ID Number: B Laboratory Sample Number: 080414-0002 Sampled by: Cindy Smith
 Sampling Site: Complainant's property Date & Time Sampled: 04/17/08 16:40:00 Valid Sample: Yes
 Comments:
 Tapelift from picnic table in front yard

Field ID Number: C Laboratory Sample Number: 080414-0003 Sampled by: Cindy Smith
 Sampling Site: Complainant's property Date & Time Sampled: 04/17/08 16:42:00 Valid Sample: Yes
 Comments:
 Tapelift from front porch step

Field ID Number: D Laboratory Sample Number: 080414-0004 Sampled by: Cindy Smith
 Sampling Site: Complainant's property Date & Time Sampled: 04/17/08 17:10:00 Valid Sample: Yes
 Comments:
 Tapelift from front glass door

Field ID Number: E Laboratory Sample Number: 080414-0005 Sampled by: Cindy Smith
 Sampling Site: Complainant's property Date & Time Sampled: 04/17/08 17:22:00 Valid Sample: Yes
 Comments:
 Tapelift from front porch walkway post

Field ID Number: F Laboratory Sample Number: 080414-0006 Sampled by: Cindy Smith
 Sampling Site: Complainant's property Date & Time Sampled: 04/17/08 18:00:00 Valid Sample: Yes
 Comments:
 Tapelift from back yard table

Field ID Number: RS-Drying Bed 1 Laboratory Sample Number: 080414-0007RS Sampled by: Cindy Smith
 Sampling Site: Suspected source Date & Time Sampled: 04/18/08 13:30:00 Valid Sample: Yes
 Comments:
 Tapelift/bulk sample

Field ID Number: RS-Drying Bed 2 Laboratory Sample Number: 080414-0008RS Sampled by: Cindy Smith
 Sampling Site: Suspected source Date & Time Sampled: 04/18/08 13:30:00 Valid Sample: Yes
 Comments:
 Tapelift/bulk sample

Texas Commission on Environmental Quality

Laboratory and Mobile Monitoring Section

P.O. Box 13087

Austin, Texas 78711

(512) 239-1869

Laboratory Analysis Results

ACL Number: 080414

Analyst: James Mayer
James MayerDate: 4/28/08Reviewed By: TL for P. Liu
Ping LiuDate: 4/29/08Section Manager: David Brymer
David BrymerDate: 5/1/08

Laboratory Analysis Results

ACL Number: 080414

Analysis Code: AMPM006 & AMPM007

Sample Number: 080414-0001

Analysis began: 4/24/2008

Analyst: James Mayer

SOP: AMPM006

Analysis completed: 4/28/2008

Sample A was lightly loaded. Over 80% of the sample contained bauxite residue. The sample contained between 5 and 20% common clays and minerals. Other particles present in quantities less than 5% included fungal spores, glassy spheres, animal hair, plant fibers, plant stellate hairs, pollen, and spider web.

Sample Number: 080414-0001

Analysis began: 4/24/2008

Analyst: James Mayer

SOP: AMPM007

Analysis completed: 4/28/2008

Analysis of a brownish orange particle showed the primary elements were carbon, oxygen, sodium, aluminum, silicon, chlorine, calcium, titanium, and iron.

Sample Number: 080414-0002

Analysis began: 4/24/2008

Analyst: James Mayer

SOP: AMPM006

Analysis completed: 4/28/2008

Sample B was lightly loaded. The sample contained between 70 and 80% unknown isotropic particles, between 5 and 20% bauxite residue, and between 5 and 20% fungal material. Other particles present in quantities less than 5% included common clays and minerals, fungal spores, plant fibers, and pollen.

Sample Number: 080414-0002

Analysis began: 4/24/2008

Analyst: James Mayer

SOP: AMPM007

Analysis completed: 4/28/2008

Analysis of a brownish orange particle showed the primary elements were carbon, oxygen, sodium, aluminum, silicon, chlorine, calcium, titanium, and iron.

Sample Number: 080414-0003

Analysis began: 4/24/2008

Analyst: James Mayer

SOP: AMPM006

Analysis completed: 4/28/2008

Sample C was moderately loaded. Over 80% of the sample contained plant fibers. The sample contained between 5 and 20% fungal spores. Other particles present in quantities less than 5% included bauxite residue, common clays and minerals, glassy spheres, and pollen.

Sample Number: 080414-0003

Analysis began: 4/24/2008

Analyst: James Mayer

SOP: AMPM007

Analysis completed: 4/28/2008

Analysis of a brownish orange particle showed the primary elements were carbon, oxygen, sodium, aluminum, silicon, chlorine, calcium, titanium, and iron.

TCEQ laboratory customer support may be reached at pliu@tceq.state.tx.us

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Laboratory Analysis Results

ACL Number: 080414

Analysis Code: AMPM006 & AMPM007

Sample Number: 080414-0004

Analysis began: 4/25/2008

Analyst: James Mayer

SOP: AMPM006 Analysis completed: 4/28/2008

Sample D was lightly loaded. Over 80% of the sample contained common clays and minerals. The sample contained between 5 and 20% fungal material. Other particles present in quantities less than 5% included bauxite residue, fungal spores, plant fibers, plant stellate hairs, plant trichomes, pollen, and rubber dust.

Sample Number: 080414-0004

Analysis began: 4/24/2008

Analyst: James Mayer

SOP: AMPM007 Analysis completed: 4/28/2008

Analysis of a brownish orange particle showed the primary elements were carbon, oxygen, sodium, magnesium, aluminum, silicon, phosphorus, sulfur, chlorine, potassium, calcium, titanium, and iron.

Sample Number: 080414-0005

Analysis began: 4/28/2008

Analyst: James Mayer

SOP: AMPM006 Analysis completed: 4/28/2008

Sample E was moderately loaded. Over 80% of the sample contained oxidized paint. The paint appears to have come from the sampling surface and not what was deposited on it. Other particles present in quantities less than 5% included bauxite residue, common clays and minerals, fungal material, fungal spores, plant fibers, pollen, and spider web.

Sample Number: 080414-0005

Analysis began: 4/24/2008

Analyst: James Mayer

SOP: AMPM007 Analysis completed: 4/28/2008

Analysis of a brownish orange particle showed the primary elements were carbon, oxygen, sodium, aluminum, silicon, calcium, titanium, and iron.

Sample Number: 080414-0006

Analysis began: 4/28/2008

Analyst: James Mayer

SOP: AMPM006 Analysis completed: 4/28/2008

Sample F was heavily loaded. The sample contained between 50 and 60% common clays and minerals and between 40 and 50% bauxite residue. Other particles present in quantities less than 5% included fungal material, glass fibers, glassy spheres, plant fibers, and pollen.

Sample Number: 080414-0006

Analysis began: 4/24/2008

Analyst: James Mayer

SOP: AMPM007 Analysis completed: 4/28/2008

Analysis of a brownish orange particle showed the primary elements were carbon, oxygen, sodium, aluminum, silicon, chlorine, calcium, titanium, and iron.

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-0055), or 1-800-RELAY-TX (TDD), or by writing P.O. Box 13087, Austin, TX 78711-0055. Attachment 4, Pg 5 of 7

Case: 2016157641
INV 653642

Laboratory Analysis Results

ACL Number: 080414

Analysis Code: AMPM006 & AMPM007

Sample Number: 080414-0007RS

Analysis began: 4/28/2008

Analyst: James Mayer

SOP: AMPM006

Analysis completed: 4/28/2008

Sample RS1 was a bulk sample. Over 80% of the sample contained bauxite residue. Common clays and minerals accounted for less than 5% of the sample.

Sample Number: 080414-0007RS

Analysis began: 4/24/2008

Analyst: James Mayer

SOP: AMPM007

Analysis completed: 4/28/2008

Analysis of a brownish orange particle showed the primary elements were carbon, oxygen, sodium, aluminum, silicon, chlorine, calcium, titanium, and iron.

Sample Number: 080414-0008RS

Analysis began: 4/28/2008

Analyst: James Mayer

SOP: AMPM006

Analysis completed: 4/28/2008

Sample RS2 was a bulk sample. Over 80% of the sample contained bauxite residue. Common clays and minerals accounted for less than 5% of the sample.

Sample Number: 080414-0008RS

Analysis began: 4/25/2008

Analyst: James Mayer

SOP: AMPM007

Analysis completed: 4/28/2008

Analysis of a brownish orange particle showed the primary elements were carbon, oxygen, sodium, aluminum, silicon, phosphorus, chlorine, calcium, titanium, and iron.

CMA: R030576411 Attachment 4, Pg 6 of 7
INV. 653642

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Rev. 2 5/16/02

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MONITORING OPERATIONS, LABORATORY AND MOBILE MONITORING
PO Box 13087, MC 165, Austin, TX 78711-3087

Request for Analysis

Page 1 of 1

ACL Number 080414		Project Name Number Leader		Sample Types EB - Equipment blank FB - field blank FD - field duplicate TB - trip blank MS - matrix spike MSD - matrix spike duplicate RS - reference sample QC - quality control sample	Enter Required Analysis Code				Analysis Codes AMIN-014 H2S Molybdenum Blue AMOR-002 Carbonyls by TO-11 AMOR-006 VOCs by TO-15 AMOR-014 PAHs by TO-13 AMPM-004 PM10 Gravimetric AMPM-005 PM10/TSP HiVol AMPM-006 Polarized Light Microscopy AMPM-007 Scanning Electron Microscopy	Description		
Potential Source(s) Sherwin Alumina LP's Tailing Ponds Dam ¹ RN104603702/CN601573371 ² RN 101576411					AM PM - 004 (or 5-7 ?)							
City Taft		County San Patricio	TCEQ Region 14									
Sampling Site Information (complainant, address, site #, etc.) Concerned citizens' residences; TCEQ Incident No. 106503 & 106558												
Collected By Cindy Smith		Phone Number, Mailing Address, E-mail Address 361-825-3122; cysmith@tceq.state.tx.us; 6300 Ocean Drive, ste 1200, CC, TX 78412										
Field Sample ID or Sample Description				Date Sampled	Time Sampled	Sample Type					Comments	
Sample (A) tape lift off outside water hose -C1				04/17/08	4:50p		X					SSE Winds and complainants's residence were downwind of site.
Sample (B) tape lift off picnic table in front yard -C1				04/17/08	4:40p	Field Sample	X					
Sample (C) tape lift off front porch step -C1				04/17/08	4:32p	Field Sample	X					
Sample (D) tape lift off front glass door -C2				04/17/08	5:10p	Field Sample	X					
Sample (E) tape lift off front porch walkway post -C2				04/17/08	5:22p	Field Sample	X					
Sample (F) tape lift off back yard table -C2				04/17/08	6:00p	Field Sample	X					SSE Winds and complainants's residence were downwind of site.
Reference Sample - company's disposal area for bauxite Drying Bed 1				04/18/08	1:30p	RS	X					Bauxite Bed 1
Reference Sample - company's disposal area for bauxite Drying Bed 2				04/18/08	1:30p	RS	X					Bauxite Bed 2
Surrendered by (signature) Cindy Smith <i>Cindy Smith</i>				Date/Time 04/18/08 @ 16:00 Hours via mail			Received by <i>James May Jr</i>			Date/Time <i>4/23/08 8:00 am</i>		
Surrendered by (signature)				Date/Time			Received by			Date/Time		
Surrendered by (signature)				Date/Time			Received by			Date/Time		
Surrendered by (signature)				Date/Time			Received by			Date/Time		

TCEQ Request for Analysis Form Attachment 4 Pg 7 of 7

ATTACHMENT 5

Exit Interview Protocol Form

Tailing Ponds area, Regulated Entity Number 101576411
Sherwin Alumina, LP, Customer Number 601573371
San Patricio County

04/17/08
Investigation No. 653642

Total Pages = 4

Cindy Smith - RE: TCEQ Exit Interview Form regarding Dust Complaint Investigation 04/17/08

From: "Medellin, Joe" <jpmedellin@SherwinAlumina.com>
To: "Cindy Smith" <CYsmith@tceq.state.tx.us>
Date: 5/16/2008 10:58 AM
Subject: RE: TCEQ Exit Interview Form regarding Dust Complaint Investigation 04/17/08
CC: "Ballou, Tom" <tballou@SherwinAlumina.com>

Cindy,

I did receive the Exit review form this morning.

I will get the information you requested regarding the RN #'s.

The e-mail address for Larry Bittle is lbittle@sherwinalumina.com

Thanks,

Joe Medellin

From: Cindy Smith [mailto:CYsmith@tceq.state.tx.us]
Sent: Friday, May 16, 2008 9:45 AM
To: Medellin, Joe
Cc: Ballou, Tom
Subject: TCEQ Exit Interview Form regarding Dust Complaint Investigation 04/17/08

Mr. Medellin:

As per my telephone message this morning, attached is the Exit Interview Form. Please forward the form to Mr. Larry Bittle, Plant Manager, as I do not have his email. Also, reply to this email stating that you have received the Exit Interview Form. Please provide Mr. Bittle's email for future reference.

As listed on the form, a nuisance dust condition was verified regarding the alleged complaints that were received on April 17, 2008.

Please verify whether two or more of the four Tailing Ponds Dam Regulated Entity Numbers [1 (RN101603702), 2 (RN101576411), 3 (RN102126778), and 4 (RN102127099)] should be merged into one or two RNs. Verify whether these sites are contiguous in location. Respond as soon as possible.

Thank you for your attention to this matter.

CMPL: RN101576411, Attach. 5, Pg 1 of 4
INV. 653642

TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Requested

Regulated Entity/Site Name		Sherwin Alumina LP – Tailing Ponds		TCEQ Add. ID No. RN No (optional)		RN101576411 / CN601573371 (Tailing Ponds No. 2 Dam)		
Investigation Type		CMPL	Contact Made In-House (Y/N)	Y	Purpose of Investigation	Investigation No. 653642; Dust Complaint Incident Nos. 106503 & 106558		
Regulated Entity Contact		Larry Bittle, Jerry Hooper Joe Medellin jmedellin@sherwinalumina.com , Tom Ballou, Jr. tballou@sherwinalumina.com			Telephone No.	361-777-2237 361-777-2352	Date Contacted	05/16/08
Title		Plant Manager, Port & Services Manager Environmental Assistant, & Environmental Manager, respectively			Fax No.	361-777-2684	Date Emailed/Faxed	05/16/08

NOTICE: The information provided in this form is intended to provide clarity to issues that have arisen during the investigation process between the TCEQ and the regulated entity named above and *does not* represent final TCEQ findings related to violations. Any potential or alleged violations discovered after the date on this form will be communicated by telephone to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in a final investigation report.

Issue		For Records Request: identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues: include the rule in question with the clearly described potential problem. Other type of issues: fully describe.	
#	Type	Rule Citation (if known)	Description of Issue
1	AV	30 TEX. ADMIN. CODE (TAC) § 101.4	Description of Alleged Noncompliance: Failure to prevent a discharge from any source whatever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property. Specifically, based upon a response to two citizen complaints on April 17, 2008, by on-site observation and analysis of samples collected, it was determined that deposits of particulate matter from Sherwin Alumina's Tailing Pond area were found in sufficient concentration to interfere with normal use and enjoyment of property. Compliance Documentation: It is recommended that Sherwin Alumina, LP submit a written corrective action plan to the TCEQ Corpus Christi Region Office within thirty days from the date of the forthcoming Notice of Violation letter.
2	O	Verify whether two or more of the four Tailing Ponds Dam Regulated Entity Numbers [1 (RN101603702), 2 (RN101576411), 3 (RN102126778), and 4 (RN102127099)] should be merged into one or two RNs. Verify whether these sites are contiguous in location. Respond as soon as possible.	

¹ Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

Did the TCEQ document the regulated entity named above operating without proper authorization?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Did the investigator advise the regulated entity representative that continued operation is not authorized?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Document Acknowledgment. Signature on this document establishes only that the regulated entity (company) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, document will be faxed to regulated entity; therefore, signature not required.			
Cindy Smith	05/16/08		
Investigator Name (Signed & Printed)	Date	Regulated Entity Representative Name (Signed & Printed)	Date

If you have questions about any information on this form, please contact your local TCEQ Regional Office.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, call 512.230.3292.

C:\ppl\601603702\Attachment 5 Pg 2 of 4
 NOV. 653642

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TELEPHONE MEMO TO THE FILE**

Please complete with typewriter or black pen.

Call to: Joe Medellin

Call From: Cindy Smith

Date of call: May 16, 2008

File no.: FY08 CMPL

Phone no.: 361-777-2237

Subject:: Exit Interview

Information for file:

Ms. Cindy Smith attempted to contact Mr. Medellin and left a voice message to inform him of the Exit Interview Protocol (EIP) Form which would be emailed the same day. One violation was documented on the EIP regarding the Complaint (CMPL) Investigation No. 653642. A nuisance dust condition was verified on April 17, 2008.

Signed: C. Smith



SHERWIN ALUMINA COMPANY

April 18, 2008

Cindy Smith
TCEQ Representative
Corpus Christi, Texas

Today Sherwin Alumina was notified of an air quality complaint from dust emissions from our mud disposal area that was given to TCEQ on April 17, 2008. Sherwin was asked to explain dust control measures and allow an inspector on site to collect samples of our residue. An appointment for site inspection and collection of samples for 13:00 today. Sherwin employee Joe Medellin will assist TCEQ in this site visit.

Mud deposition is moved around the bed to allow the surface to distribute moisture and allow surface plowing to occur as quickly as possible. Our surface control has allowed Sherwin to practically eliminate dusting. During the week of April 13 extra hours were worked by our crews due to the high winds that were forecast. They were able to plow areas that were showing increased potential to become airborne.

Monitoring of the area both by onsite employees and by remote camera occurred throughout the day. It was not evident that Sherwin had a dust problem from these observations.

Regards,


Larry Bittle